

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

April 28, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 04HD-275

HAWAII

Amend Prior Board Actions of October 22, 1999, Item D-19, and October 13, 2000, Item D-21, Direct Sale of Eight Perpetual, Non-Exclusive Easements to Nohona Partners Inc. at Kaumalumu and Pahoehe 1st, North Kona, Hawai'i, Tax Map Key: 3rd/ 7-7-04:portion of 02 and 7-7-08: portion of 27

BACKGROUND:

At its meeting of October 22, 1999, Agenda Item D-19, the Board approved the Direct Sale of Eight Perpetual, Non-Exclusive Easements to Nohona Partners, Inc. (NPI) for access and utility purposes at Kaumalumu and Pahoehe 1st, North Kona, Hawai'i, Tax Map Key: 3rd/ 7-7-04:portion of 02 and 7-7-08: portion of 27.

At its meeting of October 13, 2000, Item D-21, the Board approved to amend its prior Board action of October 22, 1999, Item D-19, to allow for the relocation to one of the grant of easements approved, to a more feasible and ideal location;

Upon forwarding the easement documents to NPI for execution, Mr. Steven Lim, Attorney representing NPI in the original request, informed HDLO that NPI has since been dissolved therefore; there are no individuals available to sign the necessary documents.

Due to the length of time taken in transacting this request, NPI has in the meantime, subdivided and conveyed its interest to various private individual landowners. The delays experienced involved the acquiring of the necessary surveys, appraised value of the easements, and preparation of the easement documents. Upon discussing this matter with the Office of the Attorney General's Office, it was recommended given the current situation and circumstances, that the current private landowners now be inserted in place of NPI as Grantees to the respective easements for the respective lots. There is no alternative available as there is no NPI representative to execute the conveyance documents, that NPI is no longer an active existing entity. NPI's business status was confirmed with DCCA.

Further, in dealing with similar requests for access and utility easements over State lands to serve as legal accesses to private properties, the Board in its prior actions has recommended that the ownership of the easement follow the subject parcels. This procedure would eliminate any need to assign the easement between landowners, should ownership of the private properties change hands at some future date. Due to changes in ownerships of the subject private properties since the prior Board action of this request, an amendment of the original Board action is necessary to now identify the current landowners as Grantees of the subject grant of easements being issued. Research through the Real Property Tax Office of the various parcels involved requiring an easement from the State, indicates that the current landowners on record are as follows:

EASEMENT NO.	TAX MAP KEY	LANDOWNER/GRANTEE
1	3 rd / 7-7-04: 78	Neva S. & Steven E. Cornelson
2	3 rd / 7-7-04: 77	Eden G. & Elle M. Transfiguracion Trust
3	3 rd / 7-7-04: 82	Indira S. & Singenellore R. Rajan
4	3 rd / 7-7-04: 81	Dennis J. & Lisa Parsell
5	3 rd / 7-7-04: 64	Helen B. & William Wakefield
6	3 rd / 7-7-04: 65	SGRY
7	3 rd / 7-7-04: 79	Martin M. & Jeanne L. Cooper Trust
8	3 rd / 7-7-04: 66	Joseph J. Folz Jr.

RECOMMENDATION:

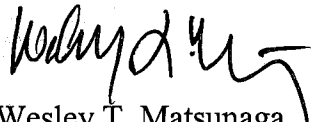
That the Board Amend Its Prior Actions of October 22, 1999, Item D-19, and October 13, 2000, Item D-21, Direct Sale of Eight Perpetual, Non-Exclusive Easements at Kaumalumalu and Pahoehoe 1st, North Kona, Hawai'i, Tax Map Key: 3rd/ 7-7-04:portion of 02 and 7-7-08: portion of 27 by:

- A. Amending Condition A of the Recommendation Section, by inserting "or current landowner of record", after the word applicant;
- B. Inserting a Condition A.6., to read as follows: "That the various respective perpetual easements shall run with the land and shall inure to the benefit of the respective real property it services. That when the easement is sold, assigned, conveyed, or otherwise transferred, the Grantee shall notify the Grantee's

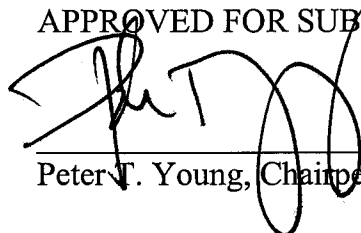
successors or assigns of the insurance requirement in writing, separate and apart from this easement document”;

- C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,


Wesley T. Matsunaga
Land Agent

APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson